



Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RC 011-P/WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000668	International filing date (day/month/year) 14 October 2003 (14.10.2003)	Priority date (day/month/year) 13 November 2002 (13.11.2002)
International Patent Classification (IPC) or national classification and IPC B02B 7/02, 3/04		
Applicant BÜHLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 15 March 2004 (15.03.2004)	Date of completion of this report 15 February 2005 (15.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000668

1. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-6, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-3, filed with the letter of 13 December 2004 (13.12.2004)
- ☒ the drawings:
 pages 1/1, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations

1. Prior art

This report mentions the search report citations as follows; the same numbering will be used throughout the proceedings:

D1: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 07,
3 July 2002 (2002-07-03) & JP 2002 066362 A
(ISEKI & CO LTD), 5 March 2002 (2002-03-05)
D2: EP-A-0 820 814 (SATAKE ENG CO LTD)
28 January 1998 (1998-01-28)

2. Claim 1 (inventive step)

2.1 Closest prior art

D1, which also describes a cylinder husker as per the preamble of claim 1, is considered the closest prior art.

2.2 Essential difference

The essential difference between the cylinder husker as per claim 1 and that of D1 is that the conveying pipe (7) of the claim 1 device is mounted so as to rotate or pivot.

This difference enables the conveying pipe to be followed such that the supply of feed can be adapted to the changing cylinder gap (where the gap is minimal) and the feed capacity of the husker thus maintained constantly in the optimum state.

D2, which is also concerned with this problem (page 2, lines 5 to 17) describes a cylinder husker with a conveying pipe (13) mounted so as to rotate or pivot about a shaft (30). This configuration enables the feed supply to be oriented in the direction where the cylinder gap is smallest (page 8, lines 1 to 4).

It is obvious to a person skilled in the art faced with the problem of maintaining the feed capacity of the D1 cylinder husker in an optimum state, in spite of the wear which causes an irregular cylinder gap, to equip the conveying pipe of the D1 husker with a pivotable shaft, precisely as described in D2 (this measure enables the feed supply of the D1 cylinder husker to be oriented in the direction of the smallest cylinder gap).

Therefore the subject matter of claim 1 cannot be considered inventive (PCT Article 33(1) and (3)).

3. Dependent claims 2 and 3

The additional features in dependent claim 2 are likewise known from D1.

A combination of these features with those of claim 1 therefore does not appear suitable for establishing an inventive step (PCT Article 33(3)).

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The additional features in dependent claim 3 concern merely design details which are also derived directly from search report citation D2 or with which a person skilled in the art is familiar. In conjunction with the present application design details of this nature do not appear to give rise to any relevant technical effect, such that they also cannot establish an inventive step and thus do not appear to be suitable for establishing an inventive step (PCT Article 33(3)).

A combination of these features and those of either claim 1 or claim 2 does not therefore appear suitable for establishing an inventive step (PCT Article 33(3)).

4. Industrial applicability

The invention clearly has industrial applicability (PCT Article 33(1) and (4)).

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